

Application No. 09/735,443
Amendment "C" to Office Action dated August 12, 2005
Reply to Office Action mailed April 12, 2005

REMARKS

Introduction

Claims 1-18 and 26-32 are currently pending in the present application. By this response claims 1, 6, 12, 13, 15, 26, and 32 have been amended. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Rejections Under 35 U.S.C. § 112

Claims 13-15 were rejected under 35 U.S.C. § 112, second paragraph. Claims 13 and 15 have been amended to overcome the rejection. Claim 13, for instance, has been amended to replace "display device" with "second access device". This overcomes the rejection for both claims 13 and 14. Claim 15 has been amended to insert "second" before "access device". This amendment is also believed to overcome this rejection.

Rejections Under 35 U.S.C. § 103

The Office Action mailed April 12, 2005 rejected claims 1-8, 10-18, 26-29, and 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,456,699 (*Burg*) in view of U.S. Patent No. 5,815,153 (*Isensee*). Claim 9 is rejected as being unpatentable over *Burg* and *Isensee* in view of U.S. Patent No. 6,157,841 (*Bolduc*).

Applicants respectfully submit that a *prima facie* case of obviousness has not been established. Under M.P.E.P. § 2143 a *prima facie* case of obviousness requires three elements be established:

Application No. 09/735,443
Amendment "C" to Office Action dated August 12, 2005
Reply to Office Action mailed April 12, 2005

(1) suggestion or motivation, either in the patents themselves or in the knowledge available to one skilled in the art, to modify the patent or combine patent teachings;

(2) a reasonable expectation of success; and

(3) the combined patents must teach or suggest all the claim limitations of the applicant's claims. See M.P.E.P. § 2143.

In addition, there must exist some teaching, suggestion or motivation to do so in, either the references, or in knowledge generally available to one of ordinary skill in the art. M.P.E.P. § 2143.01. Further, the fact that the references can be combined is not sufficient to establish obviousness, unless the prior art in addition suggests the desirability of the combination. M.P.E.P. § 2143.01.

Embodiments of the invention relate to providing a uniform user interface for accessing various types of content. The uniform user interface is present regardless of the device type. Claim 1 requires, for example, that the first access device have a touchpad with a plurality of numbered keys. Claim 1 also requires that the second access device have an icon group arranged similarly to the touch pad such that the touchpad and the icon group present a uniform user interface. Thus, the icon group is arranged similarly to the touchpad.

Further in claim 1, selecting a key on the touchpad generates a signal that is converted into HTML code that is correlated with a request for a specified class of information. Selecting the corresponding icon on the second access device causes the second access device to generate the same HTML code that is correlated with the same request for the same specified class of information.

As discussed below, at least these requirements of claim 1 are not taught or suggested by *Burg* or *Isensee* alone or in combination. *Burg* teaches that web systems use menu structures and structures databases, IVR systems also use menu structures and structured databases, and identifies a "need to relate the menu structures and structured database information supporting on-line Web users and IVR users." As outlined in its Abstract, the *Burg* patent discloses:

- 1) systems for analysis and translation of Web on-line menu architectures to Interactive Voice Response (IVR) menu architectures or, as referred to below, "web-to-IVR systems"; and
- 2) systems for analysis and translation of IVR menu architectures to support Web on-line users or, as referred to below, "IVR-to-web systems".

Application No. 09/735,443
Amendment "C" to Office Action dated August 12, 2005
Reply to Office Action mailed April 12, 2005

Burg does not teach or suggest, however, using a uniform interface on a first access device and on a second access device as required by claim 1. Further, *Burg* does not teach arranging icons of a graphical user interface similarly to a touchpad of a device such that the icons and the touchpad present a uniform user interface. In fact, the Office Action admits that there is no such teaching: "*Burg* does not disclose that the computer comprise a graphical interface with an icon group arranged similarly to the keypad of the first access device (telephone)." See Office Action at 4.

Because *Burg* does not teach a uniform user interface, *Burg* cannot teach that the touchpad and the icons, when selected, generate the same HTML code that is correlated with a request for a specified class of information as required by claim 1.

The Office Action attempts to overcome this deficiency by citing *Isensee*. However, the telephone object of *Isensee* does not teach that a keypad of a first access device and icons of a graphical user interface should also similarly trigger requests for specified classes of information. The telephone object of *Isensee* does not trigger any requests for specified classes of information. In fact, the telephone object of *Isensee* is intended to enable a user to answer and place calls without picking up a physical handset and is intended to work in much the same way as a physical telephone, but through a computer. See 3:62-65, 4:3-4.

For at least these reasons, neither *Burg* or *Isensee* alone or in combination teach or suggest that similarly arranged keys of a touchpad on a first access device and icons in an icon group displayed on a second access device should also generate HTML code that is correlated with the same request for the same specified class of information, and that the icon group and the touchpad present a uniform user interface.

Further, *Isensee* does not teach a telephone object that generates HTML code, but specifies that the telephone object work in much the same way as a physical telephone. Instead, *Isensee* teaches the following function for its GUI telephone object: dialing numbers. See, e.g., *Isensee* at 4:16-23. In contrast, claim 1 requires that the icons, when selected generate HTML code that is correlated with a specified class of information. For these reasons, modifying the *Burg* systems in view of the *Isensee* patent is not proper and claim 1 is not taught or suggested by the cited art.

The MPEP states that a modification of a reference (or combination of references) is not proper under 35 U.S.C. § 103 without "some suggestion or motivation ... to modify the reference or

Application No. 09/735,443
Amendment "C" to Office Action dated August 12, 2005
Reply to Office Action mailed April 12, 2005

combine reference teachings."¹ But the MPEP adds, "The mere fact that references can be combined or modified does not render the resultant combination obviousness unless the prior art also suggests the desirability of the combination."² For example, the MPEP explains that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'"³ Thus, even if one skilled in the art had the ability to make a particular modification or combination, the prior art must provide a suggestion or motivation to make that particular modification or combination.

Here, the required motivation or suggestion to modify the website interface of the *Burg* systems with the telephone object of *Isensee* does not exist. In fact, *Burg* teaches away from such modification by requiring that its website in its web-to-IVR system already be developed:

Referring to FIG. 3, at step 50, a *previously developed* Web page on-line sales site is identified as suitable for IVR and telephone sales. *Burg* at 5:64-66 (emphasis added).

Without the required motivation or suggestion, modifying the *Burg* system is improper.

The Office Action further asserts that the computer may implement a graphical representation (web page) of the IVR menu structure with icons being associated with classes of information in the same manner as the keys of a telephone keypad are associated with said classes of information. Col. 9, lines 5-15. However, there is no suggestion or teaching that these icons are arranged similarly to a touchpad of a telephone as required by claim 1.

For at least these reasons, claim 1 as amended is believed to be in condition for allowance. Claims 6, 12, 26, and 32 have been similarly amended and are in condition for allowance for at least the same reasons. The dependent claims, namely claims 2-5, 7-11, 13-18, and 27-31, are also in condition for allowance for at least the same reasons.

¹ See MPEP § 2143 at 2100-129 (8th ed. rev. 2 2004).

² See MPEP § 2143.01 at 2100-131.

³ See MPEP § 2143.01 at 2100-131.

Application No. 09/735,443
Amendment "C" to Office Action dated August 12, 2005
Reply to Office Action mailed April 12, 2005

Conclusion

In view of the foregoing, Applicants believe the claims are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 12th day of August 2005.

Respectfully submitted,



CARL T. REED
Registration No. 45,454
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800

W:\159644\mf0000000353V001.doc